

REMARKS

The specification has been objected to due to informalities. The specification has been amended to correct the noted informalities, and a replacement drawing (Figure 1) has been provided for clarification. No new matter has been added.

Claims 1-6 have been rejected under 35 USC 102(b) as anticipated by Hayashi. The rejection is respectfully traversed.

Hayashi generally discloses a supercharging pressure control device for adjusting an opening of a waste gate valve WGV of an exhaust gas turbocharger. In the device, an exhaust bypass passage 24 is provided for connecting the exhaust pipe 23 and the exhaust outlet pipe 19 of the turbine 20. In the exhaust bypass 24 there is a WGV 26 for controlling the flow rate of the exhaust gas bypassing the exhaust turbine 20. When the WGV 26 is fully closed, the entire amount of the exhaust gas from the engine 1 flows to the turbine 20, so the speed of the turbocharger 10 rises and the outlet pressure of the compressor 16 becomes high.

In the claimed invention, on the other hand, with a throttle valve deactivated and the wastegate closed, *an additional pressure constant is determined and then added to the environmental pressure and the basic value*. There is no disclosure of this feature in Hayashi. Rather, there is only a discussion of the exhaust gas flowing to the turbine such that the speed of the turbocharger rises and the outlet pressure becomes high. There is no mention of determining an additional pressure constant, and then adding it to the environmental pressure and the basic value.

Since the recited structure and method are not disclosed by the applied prior art, claims 1 and 8 are patentable. Claims 2 and 4-7, depending from claim 1, are similarly patentable.

Claims 6 and 7 have also been rejected under 35 USC 103(a) as unpatentable over Hayashi in view of Nytomt. The rejection is respectfully traversed for the same reasons presented in the arguments above, and since Nytomt fails to disclose an additional pressure constant is determined and then added to the environmental pressure and the basic value.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122060200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Please replace the drawings (Figure 1) with the attached replacement and annotated sheets.

